

FILED
8/10/2022

EY

IS THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

NO. _____

1:22-CV-4197

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

5. The plaintiff [*check one box*]

- (a) ☒ was denied employment by the defendant.
(b) ☐ was hired and is still employed by the defendant.
(c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,
(month) APRIL, (day) 16TH, (year) 2020.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check*

one box] ☐ *has not* filed a charge or charges against the defendant
☒ *has*

asserting the acts of discrimination indicated in this complaint with any of the following
government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about

(month) APRIL (day) 16TH (year) 2020.

(ii) ☒ the Illinois Department of Human Rights, on or about

(month) JANUARY (day) 30TH (year) 2021.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is

attached. ☒ YES. ☒ NO, but plaintiff will file a copy of the charge within 14 days.
IDHR EEOC

It is the policy of both the Equal Employment Opportunity Commission and the Illinois
Department of Human Rights to cross-file with the other agency all charges received. The
plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the
defendant asserting the acts of discrimination indicated in this court complaint.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

☐ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) _____
(day) _____ (year) _____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued

a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a

Notice of Right to Sue, which was received by the plaintiff on

(month) MAY (day) 11TH (year) 2022 a copy of which

Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☒ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): _____
-

13. The facts supporting the plaintiff's claim of discrimination are as follows:

PLEASE FIND ATTACHED CHARGES IN ILLINOIS
DEPARTMENT OF HUMAN RIGHTS CHARGE.

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☐ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ Direct the defendant to (specify): _____

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☐ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

(Plaintiff's name)

AGNES M. CHOWANIEC

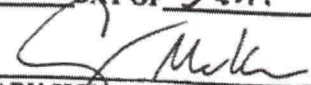
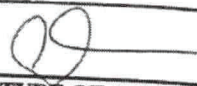
(Plaintiff's street address)

211 S. CLARK ST. #2195

(City) CHICAGO (State) IL (ZIP) 60690

(Plaintiff's telephone number) (312) - 439-0100

Date: 8/9/2022

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.		AGENCY <input checked="" type="checkbox"/> IDHR <input type="checkbox"/> EEOC	CHARGE NUMBER
Illinois Department of Human Rights and EEOC			
NAME OF COMPLAINANT (indicate Mr, Ms, Mrs.) Agnes Chowaniec		TELEPHONE NUMBER (include area code) 312-439-0100	
STREET ADDRESS 10530 South Troy, Chicago, Illinois 60655		CITY, STATE AND ZIP CODE CHICAGO, ILLINOIS 60655	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)			
NAME OF RESPONDENT City of Chicago		NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE (include area code) 312-745-5230
STREET ADDRESS 3510 S. Michigan Ave. Chicago, Illinois 60653		CITY, STATE AND ZIP CODE CHICAGO, ILLINOIS 60653	
CAUSE OF DISCRIMINATION BASED ON: Age discrimination		DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL) 4-16-20	
<input type="checkbox"/> CONTINUING ACTION			
THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS: <div style="text-align: center; padding: 20px;"> SEE ATTACHED </div>			
Page 1 of 3			
I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SUBSCRIBED AND SWORN TO BEFORE ME THIS <u>27</u> DAY OF <u>Jan.</u> <u>2021</u> .  NOTARY SIGNATURE	
<div style="border: 1px solid black; padding: 5px; text-align: center;"> OFFICIAL SEAL ANTHONY MCKEE NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES 06/09/24 </div> NOTARY STAMP		X  SIGNATURE OF COMPLAINANT <u>1/27/21</u> DATE I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief	

I. A. ISSUES/BASIS

Age Discrimination

B. PRIMA FACIE ALLEGATIONS

1. In January 2016, Complainant applied for a police officer position with the Chicago Police Department (CPD). She was 35 years old.
2. On July 26, 2019, when Complainant was 39, she inquired as to the status of her application; and she was told that her file was being assigned to an investigator soon.
3. On January 6, 2020, CPD followed up in an email there a name of to Complainant regarding the pending status of her application I. Complainant had completed the written examination, the first POWER test, the lie detector test, fingerprinting, drug testing, and the initial background check by Kentech Consulting.
4. On February 4, 2020, Complainant emailed the CPD asking for a disqualification letter to clarify “concerns” if they have the possibility to hinder her progression in the hiring process. CPD’s response was that she was not yet at the processing stage to receive a disqualification letter.
5. On April 9, 2020, in a voicemail message, Officer Macino, HR admitted the delay was on their part and suggested that Complainant apply to other departments that do not have an age limit, like the fire department.
6. Complainant turned 40 years old on April 16, 2020, which pursuant to the Municipal Code of Chicago, disqualified her from becoming a Probationary Police Officer
7. CPD intentionally waited to respond to Complainant until the age statute regarding their rule not to hire anyone over age 40 went into effect, disqualifying her from the officer position.
8. Plaintiff’s age is unrelated to her ability to perform her job duties as Chicago Police Department officer.

II. ISSUE/BASIS

Retaliation

B. PRIMA FACIE ALLEGATIONS

9. Complainant repeats and realleges all the facts from Count one.
10. Complainant was not hired for the CPD officer position as a result of the CPD choosing not to respond to her, until the age statute regarding their rule not to hire anyone over the age of 40, went into effect; which was April 16, 2020, indicated a retaliatory motive.

STATE OF ILLINOIS
DEPARTMENT OF HUMAN RIGHTS

IN THE MATTER OF)	
)	
AGNES CHOWANIEC,)	
)	
COMPLAINANT)	
)	CHARGE NO.
AND)	
)	
CITY OF CHICAGO)	
)	
)	
)	
RESPONDENT)	
)	

A P P E A R A N C E

Mitchell Kline
_____, hereby enter
(Name of law firm/attorney/non-attorney representative)
the appearance of Complainant

(Name of Complainant or Respondent)

and our Appearance as their attorney (or non-attorney representative), and request that copies of
all Pleadings, Orders and other documents be served upon the undersigned for said Party in lieu
of service upon the Party.

Mitchell Kline

PRINT name of attorney/non-attorney

203 N. LaSalle St., suite 2100

Address

Chicago IL 60601

City State Zip Code

312 558 1454

Telephone

312 346 9603

Fax #

mkline@mitchellkline.com

Email Address

By: Mitchell Kline

Dated: January 30, 2021

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE *(ISSUED ON REQUEST)*

To: **Agnes Chowaniec**
10530 S. Troy
Chicago, IL 60655

From: **Chicago District Office**
230 S. Dearborn Street, Suite 1866
Chicago, IL, 60604

EEOC Charge No.
21B-2021-00520

EEOC Representative
Sherice Galloway,
Acting State/Local/Tribal Coordinator

Telephone No.
(312) 872-9732

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

More than 180 days have passed since the filing of this charge.

The EEOC is terminating its processing of this charge.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Julianne Bowman/ljwa

5/5/2022

Enclosures(s)

Julianna Bowman,
District Director

(Date Mailed)

cc:

CITY OF CHICAGO
c/o Chief Executive Officer
3510 S. Michigan Avenue
Chicago, IL 60653